

Attachment 2: Request for Sole Source Memo Format

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, NCO 2, is completing an emergency requirement for the abatement of asbestos in the Buffalo VAMC Bldg 5 Mechanical Room with U.S. Innovative Construction. This is a "Justification for Other Than Full and Open Competition" for 2237 # 528-14-1-4192-0007.
2. **Nature and/or Description of the Action Being Processed:** This is a new contract for an emergency asbestos abatement in the Buffalo VAMC Bldg 5 Mechanical Room. This emergency abatement is the direct result of a steam pipe burst within the mechanical room, which caused asbestos containing materials to be disbursed throughout the entire room creating a hazardous environment. This will be a firm-fixed price contract. There will not be any options attached to this contract.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The Buffalo VA Medical Center has an urgent need for asbestos abatement in the Bldg 5 Mechanical Room. This emergency abatement is the direct result of a steam pipe burst within the mechanical room, which caused asbestos containing materials to be disbursed throughout the entire room. The steam pipe requires immediate repair, however repair cannot begin until the asbestos has been properly abated. The estimated cost of the abatement is \$15,000. Work is to begin immediately upon approval and award.
4. **Statutory Authority Permitting Other than Full and Open Competition:**
 - () (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
 - (X) (2) Unusual and Compelling Urgency per FAR 6.302-2;
 - () (3) Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per FAR 6.302-3;
 - () (4) International Agreement per FAR 6.302-4
 - () (5) Authorized or Required by Statute FAR 6.302-5;
 - () (6) National Security per FAR 6.302-6;
 - () (7) Public Interest per FAR 6.302-7;
5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):**

This requirement is for the emergency abatement of the Buffalo VAMC Bldg 5 Mechanical Room. This emergency abatement is the direct result of a steam pipe burst within the mechanical room, which caused asbestos containing materials to be disbursed throughout the entire room. The steam pipe requires immediate repair, however repair cannot begin until the asbestos has been properly abated. The current condition of the room is unsafe; asbestos is exposed and possibly in the air. Therefore, FAR 6.302-2 applies to this emergency procurement.

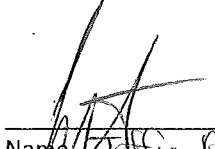
Attempting to compete this requirement would expose the government to significant potential liabilities. First, the steam pipe is required in order to provide the hospital with the proper services required to function at full capacity. Moreover, the asbestos in the mechanical room poses a serious health threat to anyone who may accidentally or purposefully access this area. Further, the health risks of accessing this area will increase as the room dries (the steam was shut off) and the asbestos has an increased ability to become airborne. Asbestos is dangerous once airborne because of its ability to stick inside one's lungs, causing cancers and other types of serious health ailments. Attempting to compete this requirement would cause unacceptable delays in the process of containing this hazardous material, and thereby put staff and potentially veteran patients at risk of not being able to receive the services required safely.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** Because of the urgent nature of this requirement, the VA intends to solicit a quote for the work from a contractor who is already mobilized in an asbestos abatement in another area of the hospital. This company is familiar with VA safety and infection control requirements. They are already mobilized in the hospital and will be able to allocate personnel to the Bldg 5 Mechanical Room abatement quickly. The price will be deemed fair and reasonable so long as it falls within the acceptable range of the independent government estimate. The independent government estimate will be based on previous contracts for similar services, open market conditions, and the urgency and nature of this particular requirement.

The proposed action will not be synopsisized because it is not required for this estimated dollar value per FAR 5.101(a)(2). Announcement of this acquisition will be made in a public place.

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The anticipated cost will be considered fair and reasonable. The VA estimates the cost of this abatement to be approximately \$15,000.00. Assessment as to whether the contractor's proposal is fair and reasonable will occur prior to award.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market research was conducted to determine if other contractors are able to provide a quote and start performance in a quick manner. The only contractor on site with current abatement work on-going was U.S. Innovative. Further, I consulted with the COR, who recommended using U.S. Innovative to ensure a quick turnaround of the quote and start on the abatement. In sum, I have a high level of confidence that no other qualified sources will be able to provide as quick of a turnaround at this time.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** None.
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** See Section VI above.
11. **A Statement of the Actions, if any, the Agency May Take to Remove or Overcome any Barriers to Competition before Making subsequent acquisitions for the supplies or services required:** In the future, the VA will continue to conduct market research prior to awarding contracts for asbestos abatement. Should the market provide another contractor that is able to provide quick turnaround on asbestos abatement projects, competition will be available. At such a time, it would most likely be in the best interests of the government to compete the requirement. However, at this time, there is only one contractor who will be able to provide a quick turnaround and start to this project. Therefore, competition will not result in savings and will cause unacceptable delays.

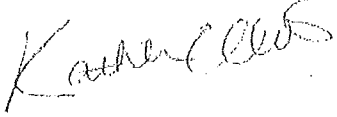
12. **Requirements Certification:** I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.


Name Roberto L. F.
Title General Engineer
Facility VA WYCHES

10/30/13
Date

13. **Approvals in accordance with FAR 6.304**

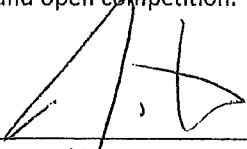
- a. **Contracting Officer's Certification (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.


Kathleen Ellis, Contracting Officer
NCO 2

10/11/2013

Date

- b. **NCM/PCM (Required \$3K and above):** I certify the justification meets requirements for other than full and open competition.


Jason V. White, Construction Team Lead for
Cherie Widger-Kresge,
Network Contract Manager NCO 2

10/16/13
Date

